

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
NO. 5:24-CV-00171-KDB-DCK**

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

v.

GARRETT W. MORETZ,

Defendant.

**JOINT MOTION TO STAY
PROCEEDINGS**

Plaintiff Securities and Exchange Commission (“SEC”) and Defendant Garrett W. Moretz (“Moretz”) jointly and respectfully request that the Court enter a stay of this action because the Parties have agreed in principle to settle this litigation, and the SEC’s staff is in the process of submitting the settlement to the SEC’s Commissioners for their approval. In support of the Joint Motion, the Parties state as follows:

1. The Parties have agreed in principle to settle this litigation, which would fully resolve the case. The Parties require additional time to allow the SEC’s counsel to present the proposed resolution to the SEC’s Commissioners for formal approval, a process that the SEC anticipates may take until early August 2025.

2. Approval of the proposed resolution is subject to the vote of the SEC’s Commissioners, and the proposed stay will allow time for this agency action. The SEC’s decision-making body consists of up to five Commissioners, appointed by the President with the advice and consent of the Senate. *See* 15 U.S.C. § 78d(a). Only the Commissioners, and not the staff of the SEC, have authority to approve the proposed resolution.

3. Subject to the SEC Commissioners' approval, the Parties anticipate being able to file with the Court a motion to approve the proposed settlement fully resolving this case within 45 days, by August 25, 2025.

4. A district court has "broad discretion to stay proceedings as an incident to its power to control its docket." *Clinton v. Jones*, 520 U.S. 681, 706 (1997). A district court deciding a motion to stay should consider the interests of judicial economy and the hardship or prejudice to the parties. *See, e.g., Paxton v. Jacob Law Grp., PLLC*, No. 5:21-CV-00102-KDB-DSC, 2022 WL 1164912, at *2 (W.D.N.C. Mar. 21, 2022) (citing *White v. Alley Fin., Inc.*, 969 F. Supp. 2d 451, 462 (S.D.W. Va. 2013)).

5. Discovery is ongoing in this case, and under the Court's current scheduling order, expert reports are due on September 30, 2025, and all discovery is set to be completed by November 21, 2025. (Dkt. No. 13.) The Parties have also tentatively scheduled the Court-mandated mediation with a third-party mediator to occur on August 5, 2025. (*See* Dkt. No. 14.)

6. The Parties agree that to avoid additional fees, costs, and burdens associated with continued discovery and mediation, and to conserve judicial resources, it would be preferable, and more efficient, to stay the current deadlines until after the SEC's Commissioners review and decide on the proposed resolution of this case. The Parties agree they will not be prejudiced by this request.

7. Accordingly, the Parties jointly request that the Court stay all current discovery deadlines and other proceedings and events in this case.

8. The Parties propose filing a joint status report with the Court 45 days after entry of the stay if the proposed settlement has not been filed with the Court for approval by that time. If it appears to the Parties that settlement is no longer likely, the Parties can then determine if any

current deadlines would need to be revised given the stay, and if so, the Parties can propose a new schedule to the Court.

WHEREFORE, the Parties respectfully move the Court to stay all deadlines in this case, and for such other and further relief as the Court deems just.

Dated: July 10, 2025

Respectfully submitted,

s/ Timothy J. Stockwell

Timothy J. Stockwell, D.C. Bar No:
484238

*Attorney for Plaintiff U.S. Securities and
Exchange Commission*

175 West Jackson Boulevard, Suite 1450
Chicago, Illinois 60604
Telephone: (312) 596-6049
Fax: (312) 353-7398
Email: stockwellt@sec.gov

s/ W. Rob Heroy

W. Rob Heroy (NC Bar No. 35339)
GOODMAN CARR, PLLC
Attorney for Garrett Moretz
301 S. McDowell Street, Suite 602
Charlotte, NC 28204
(704) 372-2770
rheroy@goodmancarr.net

CERTIFICATE OF SERVICE

I certify that on July 10, 2025, I served the foregoing filing upon the following counsel of record utilizing the Court's CM/ECF electronic filing system:

W. Rob Heroy (NC Bar No. 35339)
GOODMAN CARR, PLLC
301 S. McDowell Street, Suite 602
Charlotte, NC 28204
(704) 372-2770
rheroy@goodmancarr.net

Counsel for Garrett Moretz

/s/ Timothy J. Stockwell